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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.165 OF 2007

Kesarsingh Bhagwansingh Navalurkar Petitioner
versus
Smt.Suman @ Sushila Khandelwal Respondent

Mr.C.R.Dalvi for petitioner
Mr.Vijay Patil for respondent.

CORAM : A.S.OKA, J.

DATE : 29th June 2007

PC :

1. Mr.Dalvi, learned counsel for the revision applicant states that the revision applicant is not pressing the revision application on merits. He, however, states that considering the fact that the applicant is in possession of the suit premises for a considerably long time, a longer time to vacate may be granted. He seeks time of three years to vacate the suit premises subject to giving an usual undertaking. The learned counsel for the respondent opposes the prayer by pointing out that a reasonable time may be granted but the time of three years will be on higher side.

2. I have considered the submissions. The revision applicant is not pressing the revision application on merits. Thus, the decree passed in favour of the respondent would attain finality. This is not a case where the decree relates to a residential premises. The applicant is in possession of the suit premises for a considerable long time.

3. The final disposal of the revision application would have taken a very long time. Now, the applicant has come forward to make a statement that he is not pressing the revision application on merits thereby conferring finality to the decree passed against him. Therefore, the time deserves to be granted till 31st May 2010 subject to the applicant filing usual undertaking to vacate. Hence, I pass following order.

4. ORDER :-

a) Revision application is dismissed as not pressed. No order as to costs;

b) Notwithstanding the dismissal of the revision application, the decree of possession shall not

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be executed till 31st May 2010 subject to applicant filing usual undertaking to vacate in this Court. Undertaking shall be filed within a period of four weeks from today;

c) If undertaking is not filed within the stipulated time, the decree for possession shall become immediately executable.

(A.S.OKA, J.)